

RICHARD KATZMAN,) No.: 13-CV-00438 LHK
)
Plaintiff,)
)
v.) TENTATIVE ORDER REGARDING
) PLAINTIFF'S MOTION FOR
) SANCTIONS AND MOTION TO
) STRIKE
)
LOS ANGELES COUNTY METROPOLITAN)
TRANSPORTATION AUTHORITY,)
a special district,)
)
Defendant.)

(1) The Court will strike Janice Olsen's trial testimony from page 201, line 25 through page 202, line 8 and lines 13-25 on page 219. The Court does not recommend re-reading this testimony

1 to the jury then telling the jury that such testimony is stricken and must be disregarded because
2 such re-reading would only highlight the testimony. However, the Court wishes to hear from the
3 parties as to how the Court should inform the jury about the stricken testimony. Perhaps the parties
4 can agree to a stipulation that all testimony of Janice Olsen regarding the existence of any written
5 audit procedures is stricken and must be disregarded. The parties shall advise the Court as to
6 whether a reason should be provided and what exact language should be read to the jury in a joint
7 filing to be filed by 9:30 p.m. on January 8, 2015.

8 (2) The Court will give a jury instruction that Defendant does not have any written audit
9 procedures. The parties shall meet and confer and file a joint statement proposing a joint or two
10 competing instructions with explanations as to why each instruction is superior by 9:30 p.m. on
11 January 8, 2015.

12 (3) The parties shall appear in Court at 8:30 a.m. for a hearing on this matter. If the parties
13 stipulate to a complete resolution of this matter by 9:30 p.m. on January 8, 2015, then the Court
14 will vacate this hearing, and the parties need not appear in Court until 9 a.m. on January 9, 2015 for
15 the resumption of trial.

16 **IT IS SO ORDERED.**

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18 Dated: January 8, 2015

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LUCY H. KOH
United States District Judge